



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,751	07/23/2003	Michael Bishman	Bishma.M-01	1723
22197	7590	11/21/2005		
GENE SCOTT; PATENT LAW & VENTURE GROUP 3140 RED HILL AVENUE SUITE 150 COSTA MESA, CA 92626-3440			EXAMINER KEENAN, JAMES W	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/626,751

**Applicant(s)**

BISHMAN, MICHAEL

**Examiner**

James Keenan

**Art Unit**

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 3652

1. Claim 3 is objected to because of the following informalities: in line 3, a comma should be inserted after "platform". Appropriate correction is required.

2. The amendment filed 9/21/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The recitation in the penultimate and last paragraphs of page 6 that the sidewall is centrally located on the platform is considered new matter. There was no previous mention of this feature in the specification, nor did the drawing inherently portray such a feature.

The recitation in the last paragraph of page 6 that the sidewall "necessarily" forms a closed figure and the deletion that it "may form an open figure" is clearly new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one

Art Unit: 3652

skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitation in these claims that the sidewall is centrally positioned on the platform is new matter, as noted above.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in the prior Office action.

6. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Peckham et al, previously cited.

This rejection is set forth in prior Office action, mailed 6/21/05, paragraph no. 4. Applicant's amendment fails to define over the reference. Peckham et al clearly show the sidewall 12 integral with (i.e., welded to) the platform and surrounding the jack foot.

7. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peckham et al in view of Riggins, Bertrand (both previously cited), Calender (US 6,386,560, previously cited by applicant), and Nandram et al (US 6,880,837).

The rejection of these claims over Peckham et al in view of Riggins and Bertrand is set forth in the prior Office action, paragraph no. 6.

Although the limitation that the sidewall is positioned centrally on the platform is considered new matter, the recitation is nevertheless given patentable weight in the event applicant convincingly shows or argues that it is in fact not new matter. In any event, the combination of references do not show or suggest such a feature.

Art Unit: 3652

Calender shows a dolly in which sidewalls on two sides thereof are positioned inwardly of the peripheral edges of the dolly, such that the object to be moved can be placed on a central platform of the dolly and constrained within the sidewalls with the caster wheels of the dolly outside the center of gravity of the object.

Nandram et al show a similar dolly wherein sidewalls surround three sides of an object to constrain its center of gravity within the area defined by the wheels. This is explicitly stated as improving the maneuverability of the dolly by ensuring that an operator does not have to provide any force to offset an off-balance object on the dolly (in other words, the dolly would not be in danger of tipping over).

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Peckham et al in view of Riggins and Bertrand in the manner set forth in the previous Office action, and to have additionally modified the reference such that the sidewalls were positioned inwardly of the peripheral edge of the platform to form a centrally located position in which to constrain the jack foot, as jointly suggested by Calender and Nandram et al, as this would provide a safe, stable platform on which to maneuver an object without requiring an operator to physically offset the weight of any unbalanced forces.

8. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

It is noted that applicant has set forth no argument regarding the 102 rejection of claim 10.

Art Unit: 3652

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 571-272-6925. The examiner can normally be reached on (schedule varies).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eillen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James Keenan  
Primary Examiner  
Art Unit 3652

jwk  
11/15/05